

HOUSE BILL 1253

D3

2lr2013

By: **Delegate Malone**

Introduced and read first time: February 10, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Exposure to Organophosphate Pesticide – Time Limits for Bringing Civil**
3 **Actions**

4 FOR the purpose of altering certain time limits for bringing certain civil actions
5 concerning exposure of a person to an organophosphate pesticide; providing for
6 the application of this Act; making clarifying and stylistic changes; and
7 generally relating to certain time limits for bringing certain civil actions
8 concerning exposure of a person to an organophosphate pesticide.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–904(g) and 5–113(b)
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2011 Supplement)

14 BY adding to
15 Article – Courts and Judicial Proceedings
16 Section 5–113.1
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2011 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Courts and Judicial Proceedings**

22 3–904.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (g) (1) Except as provided in paragraph (2) **OR (3)** of this subsection, an
2 action under this subtitle shall be filed within three years after the death of the
3 injured person.

4 (2) (i) In this paragraph, “occupational disease” means a disease
5 caused by exposure to any toxic substance in the person’s workplace and contracted by
6 a person in the course of the person’s employment.

7 (II) **THIS PARAGRAPH DOES NOT APPLY TO AN ACTION**
8 **UNDER THIS SECTION ARISING FROM EXPOSURE TO AN ORGANOPHOSPHATE**
9 **PESTICIDE.**

10 [(ii)] (III) If an occupational disease was a cause of a person’s
11 death, an action **UNDER THIS SECTION** shall be filed **WITHIN THE EARLIER OF:**

12 1. [Within 10] **TEN** years of the [time] **DATE** of death;
13 or

14 2. [Within 3] **THREE** years of the date when the cause of
15 death was discovered[, whichever is the shorter].

16 (3) **IF EXPOSURE TO AN ORGANOPHOSPHATE PESTICIDE WAS A**
17 **CAUSE OF A PERSON’S DEATH, AN ACTION UNDER THIS SECTION SHALL BE**
18 **FILED WITHIN THE LATER OF:**

19 (I) **TWENTY YEARS FROM THE DATE OF EXPOSURE TO THE**
20 **ORGANOPHOSPHATE PESTICIDE; OR**

21 (II) **THREE YEARS OF THE DATE WHEN THE CAUSE OF**
22 **DEATH WAS DISCOVERED.**

23 5–113.

24 (b) (1) **THIS SECTION DOES NOT APPLY TO AN ACTION FOR**
25 **PERSONAL INJURY ARISING FROM EXPOSURE TO AN ORGANOPHOSPHATE**
26 **PESTICIDE.**

27 (2) An action for damages arising out of an occupational disease shall
28 be filed within 3 years of the discovery of facts from which it was known or reasonably
29 should have been known that an occupational disease was the proximate cause of
30 death, but in any event not later than 10 years from the date of death.

31 **5–113.1.**

1 **IF EXPOSURE TO AN ORGANOPHOSPHATE PESTICIDE WAS A CAUSE OF**
2 **INJURY TO A PERSON, AN ACTION FOR PERSONAL INJURY SHALL BE FILED**
3 **WITHIN THE LATER OF:**

4 **(1) TWENTY YEARS FROM THE DATE OF EXPOSURE; OR**

5 **(2) THREE YEARS OF THE DATE WHEN THE CAUSE OF INJURY WAS**
6 **DISCOVERED.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
8 construed to apply retroactively and shall be applied to and interpreted to affect any
9 action that is not barred before June 1, 2012, by application of any time condition or
10 limit, but may not revive any action that was barred by application of any time
11 condition or limit before October 1, 2012.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 June 1, 2012.